

6. The US-VISIT Initiative Has Serious Implications For the Southern Border

There is a critical need for additional staffing and infrastructure investments before the US-VISIT program is implemented on the Southern Borders. Border communities, along with many DHS officials at the ports-of-entry, expressed grave concerns over the implementation of this initiative. These concerns are focused on insufficient infrastructure and staffing requirements needed to support this new security initiative. The Department of Homeland Security also needs to better coordinate the implementation of US-VISIT with border communities. For it to succeed, border communities' concerns must be addressed.



US-VISIT Implementation Faces Challenges at Land Borders

US-VISIT is the system being put in place at our airports, seaports, and land borders to comply with the statutory mandates¹⁸³ to develop an automated system to track the arrival and departure of certain foreign visitors to the United States. The system is designed to capture biometric information from foreign visitors when they apply for a visa at U.S. embassies and consulates or arrive at U.S. ports-of-entry.¹⁸⁴ On arrival, visitors will have their fingerprints and photographs taken, which are compared to data in the US-VISIT database to ensure that the person who is trying to enter the country is the same person who received the visa abroad. Personal and biometric information is also compared against certain government immigration and criminal databases to determine whether the visitor should be permitted to enter the United States. When the system is fully completed, visitors will record their departure from the United States, which will enable authorities to identify visitors that have overstayed their visas.

The US-VISIT program began operations at 115 airports and 14 seaports on January 5, 2004. The program is scheduled to be implemented at the 50 busiest land border ports-of-entry on December 31, 2004.¹⁸⁵ This will include several of the ports toured by staff, including San Ysidro, Nogales, Brownsville, Laredo and El Paso. As of January 1, 2005, US-VISIT enrollment at land border ports-of-entry will be limited to secondary inspections.¹⁸⁶ In addition, Mexican citizens with Border Crossing Cards initially will not be enrolled in the program unless they are planning to stay in the United States longer than 72 hours or travel farther than 25 miles.¹⁸⁷ This is an interim solution as the DHS explores the long term solution of how to record the entry and exit of all foreigners at land ports-of-entry.¹⁸⁸ Implementation at the remaining land border ports-of-entry is scheduled for December 31, 2005.¹⁸⁹

¹⁸³ The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), sec. 110 mandated that the former Immigration and Naturalization Service implement an automated entry and exit data system for the arrival and departure of every immigrant. The Visa Waiver Permanent Program Act of 2000 required the implementation of a “fully automated entry and exit control system” covering all aliens who enter the United States under the Visa Waiver Program at airports and seaports. The USA PATRIOT Act and the Enhanced Border Security and Visa Reform Act of 2002 directed that biometric identifiers be used in passports, visas and other travel documents; and in addition required all U.S. ports of entry to have equipment and software installed that will allow biometric comparison and the authentication of all travel and entry documents by October 26, 2004. U.S. Library of Congress, Congressional Research Service, *U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT)*, RL32234, L. Seghetti and S. Vina, (Washington, D.C.: updated August 3, 2004), Summary.

¹⁸⁴ There has been debate on the extent to which US-VISIT will add integrity to the immigration process. For example, citizens of the 27 mostly-European and English speaking “visa waiver” countries are currently exempt from the program. Thus, under current procedures, people like British national Richard Reid, the “shoe bomber,” or French national Zacarias Moussaoui, the alleged al Qaeda operative, would not be subject to an US-VISIT inspection.

¹⁸⁵ U.S. Government Accountability Office, *Homeland Security: Risks Facing Key Border and Transportation Security Program Need to Be Addressed*, GAO-03-1083, Washington, D.C.: September 2003), 42.

¹⁸⁶ U.S. Department of Homeland Security, US-VISIT Fact Sheet: U.S. Land Borders, found at: <http://www.dhs.gov/dhspublic/display?theme=19&content=3946>.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

The challenges of implementing US-VISIT at the Southern land ports however, are far greater than their implementation at seaports or airports. First of all, there is a far higher volume of traffic at the land borders. About 80% of the 440 million inspections that take place every year occur at land ports-of-entry.¹⁹⁰

In addition, the infrastructure at the borders is quite different than at airports. Generally, land ports-of-entry also experience a constant flow of vehicles and pedestrians through ports with limited space, as opposed to seaports and airports that experience a limited number of passengers per cruise ship or airplane. Lastly, travelers including shoppers and workers on the Southern Border are generally free to decide to turn back and not wait in excess lines once they arrive at land ports. Airport and seaport travelers must present themselves for inspection upon arrival at the port.

Chambers of commerce across the Southern Border are rightly concerned that an increase in port-of-entry inspection times due to the implementation of US-VISIT will cause a decrease in commerce and a rise in unemployment in their locales. They argue that any implementation must be coordinated and timed to occur only after the completion of necessary improvements in the border ports-of-entry infrastructures.

The Department of Homeland Security has acknowledged that implementing US-VISIT at land ports will be a challenge due to a vast majority of ports being undersized, traffic circulation restrictions, aging infrastructure, officer safety issues, and processing time concerns.¹⁹¹ As already discussed in “Infrastructure” section of this Report, current infrastructure at most land ports-of-entry is already severely constrained by antiquated buildings, inadequate space and limited room for expansion.

Infrastructure, Staffing and Technology Issues Plague the Implementation of US-VISIT

Expanding US-VISIT to cover the land borders will require a significant investment in infrastructure.¹⁹² Depending on how the Administration chooses to implement the US-VISIT program, most ports-of-entry will, at the very least, require additional space in already overburdened inspection facilities in which to place US-VISIT equipment and in which to accommodate visa holders while they await enrollment.

Equally important to the “entry” component of US-VISIT is the “exit” component. Implementing the “exit” requirements of US-VISIT, especially at land borders, will be a substantial undertaking. Under nearly any conceivable implementation plan for this program, an entirely new exit infrastructure will be required at all land border crossings.

¹⁹⁰ *Op. cit.* DMIA Task Force Second Report, p. 15.

¹⁹¹ U.S. Department of Homeland Security, *US-VISIT Industry Day Briefing*, July 8, 2003, slide 22. http://www.dhs.gov/interweb/assetlibrary/USVISIT_IndustryConfBrief.pdf.

¹⁹² *Op. cit.* DMIA Task Force First Report, p. 33.

As previously discussed, most Southern land ports-of-entry have far fewer “exit” lanes than “entry” lanes. For example the San Ysidro port-of-entry has 24 northbound lanes and only eight southbound lanes. The 24 northbound lanes currently experience wait times in excess of two hours. If the same travelers coming north also have to be processed going south, through one-third the number of lanes, wait times will far exceed the time it takes to come north. Even after the San Ysidro port is re-constructed in 2011, the current plan calls for only twelve southbound lanes. The San Diego Alliance for Border Efficiency and the San Diego Regional Chamber of Commerce are very concerned that the exit requirements will create a ten mile backup, congesting highways and surface streets and negatively impacting commerce.¹⁹³ Attendees at this meeting told staff that when port inspectors conduct southbound “blitzes” in the current eight lanes, it can take up to three hours to cross the border. They stressed that rather than endure two hour lines to come north and then three hour lines to go south, many people would simply chose not to make the trip, negatively effecting the economy.

Staffing at ports-of-entry is also a severe limiting factor for the successful implementation of US-VISIT on the Southern Border. As previously discussed in “Finding 3” of this Report, staffing levels at ports-of-entry have not kept pace with current record levels of inspections, arrests and seizures as well as with new technologies continuing to be deployed. Added to this serious shortfall, the Department of Homeland Security announced a hiring freeze for CBP officers in March 2004, due to a potential \$1.2 billion budget shortfall. As a member of the Laredo business community wrote:

...this understaffing dilemma is going to kill any possibility of the border being congestion free. Since it takes two years to recruit and deploy an agent, this hiring freeze puts the last nail in the coffin as there is no possibility that US-VISIT can be implemented without causing huge delays which is absolutely contra[ry] to the implementation conditions mandated by Congress.¹⁹⁴

Implementation of US-VISIT without increasing staffing or enhancing the infrastructure will result in unreasonable delays at the border. Land border communities are deeply concerned that US-VISIT requirements will be implemented without the needed infrastructure and staffing investments, which will lead to large delays upon entry to and departure from the U.S., increased traffic congestion and pollution on both sides of the border, and a reduction in the economic vitality of the border region.¹⁹⁵

According to the Department of Homeland Security, the consequences of even small increases in the time of delays can have cascading effects. The Department of Homeland Security estimates that if the wait time at a port-of-entry such as Nogales was increased by just 9-

¹⁹³ Staff briefing with the Alliance for Border Efficiency and the San Diego Regional Chamber of Commerce, San Diego, CA, June 28, 2004.

¹⁹⁴ March 31, 2004 letter to staff from Dennis E. Nixon, President, International Bank of Commerce, Laredo, TX.

¹⁹⁵ *Op. cit.*, DMIA Task Force Second Report, p. 34-35.

seconds per vehicle, there would be a domino effect that would increase the maximum wait time to 600-700 minutes.¹⁹⁶

National security concerns require the implementation of an “entry/exit” system such as US-VISIT. But, it must be done wisely and consider the impact on the overall situation at the border.

Lack of DHS Outreach to Border Communities

To ensure that the implementation of US-VISIT is done wisely and with adequate coordination with all interested parties on the border requires outreach to the border communities. Unfortunately, the Administration has done an inadequate job reaching out to these communities to learn their concerns about the possible impact of US-VISIT implementation and engaging them in the planning process.

Commerce groups in San Diego stated that information regarding US-VISIT seems only to “trickle down” from the DHS headquarters to DHS local officials.¹⁹⁷ As a result, it is difficult for commerce groups to receive accurate information. A similar concern was expressed by the U.S. Chamber of Commerce when testifying about new border initiatives, including US-VISIT: “Our largest concern is that new policies seem to have been put in place with inadequate consideration of the need for coordination and communication with the private sector, or the real resource needs to efficiently carry out these changes.”¹⁹⁸

Several port directors along the Southern Border stated that they did not know what the full implications of US-VISIT would be on their ports. For instance, none that were asked knew what the “exit” solution would be; most believed that additional manpower would be needed, but they were not sure how many additional inspectors would be needed. Most stated that their port lacked the space to expand to make room for additional equipment and immigrant processing areas. One port director told us that some of the US-VISIT equipment had been received, but he did not know where it was going to be placed or which immigrants would be required to be entered into the system.

With three months to go before the implementation of US-VISIT at the 50 busiest land ports-of-entry, the failure to provide adequate information from DHS headquarters to frontline DHS officials endangers the implementation of the system.

¹⁹⁶ *Op. cit.* US-VISIT Industry Day Briefing, slide 26.

¹⁹⁷ Staff briefing with the Alliance for Border Efficiency and the San Diego Regional Chamber of Commerce, (San Diego, CA: June 28, 2004).

¹⁹⁸ U.S. Chamber of Commerce, *Testimony of Randel K. Johnson, Vice President for Labor, Immigration & Employee Benefits, Before the Subcommittee on Infrastructure and Border Security of the House Select Committee on Homeland Security*, House of Representatives, June 15, 2004.

The US-VISIT Initiative Has Serious Implications For the Southern Border Conclusions and Recommendations

The Administration has an important responsibility to implement an effective interoperable entry-exit system such as US-VISIT. In doing so, the Administration must prepare the border community and ports-of-entry for its implementation. We recommend that:

1. The Administration needs to be more open with the border communities and initiate an immediate outreach program to them to discuss the proposal for US-VISIT implementation and provide community leaders the opportunity to fully participate in the planning and implementation process.

2. To prepare the ports-of-entry for US-VISIT, the Administration needs to expand or restructure inspection areas; fully staff ports-of-entry; identify technology to provide a secure and expedited inspection process; and expand highways and access roads necessary to implement US-VISIT. US-VISIT budget submissions must contain specific information on these necessary expansions to ensure that technology is not implemented until the staff and infrastructure are in place to support it.